

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Advanced Television Systems)
and Their Impact Upon the) MM Docket No. 87-268
Existing Television Broadcast)
Service)

TO: The Commission

REPLY TO
OPPOSITION TO PETITION FOR RECONSIDERATION

South Central Communications Corporation ("SCCC"), SWMM/Knoxville Corporation ("SWMM") and Channel 26, Ltd. ("Channel 26"), submit hereby their reply to the Opposition to Petition for Reconsideration ("Opposition") filed herein on May 26, 1998, by WATE, L.P., the licensee of Station WATE-TV, Knoxville, TN ("WATE"). In support thereof, the following is shown.

The Petition for Reconsideration herein (filed April 20, 1998) demonstrated that the proposed allotment of Channel 26 as the DTV assignment for Station WATE would serve to preclude a long-proposed and plainly beneficial, additional television transmission service to the Knoxville community. It was further demonstrated that the Commission may readily avoid that unacceptable result -- consistent with the public interest and all cognizable private interests -- merely through the allotment of Channel 18 as the DTV assignment for WATE and the grant of SCCC's long-pending application for a new station to operate on Channel 26.

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The WATE Opposition focuses substantively on the assertion that a DTV operation on Channel 18 would afford WATE less area and population coverage than it would predictably achieve through a DTV operation on Channel 26 (Opposition, § II). It is reasonably clear, however, that WATE has exalted such shortfalls as may actually occur in those respects. Thus, the technical analysis and report appended hereto ("Report") demonstrates that the 100 kw power proposed for the alternative WATE DTV operation on Channel 18 is higher than the DTV power level assigned to all of the Knoxville UHF stations and is higher than the power levels assigned to 43% of all of the UHF stations in the DTV table of allotments.

The Report also demonstrates that WATE's characterization of such coverage decrease as may obtain (Opposition, pp. 5-6) is rooted in a faulted comparison and, as a consequence, is substantially overstated. As shown in the Report, the appropriate comparison is between the respective Channel 26 and Channel 18 operations, rather than the proposed Channel 18 and the WATE baseline. On that basis, the coverage decrease is substantially less than that advanced by WATE.

Further, and contrary to WATE's bald assertion otherwise, the Report demonstrates that a Channel 18 operation at Knoxville would unquestionably be "viable", whether as WATE's DTV assignment or an independent undertaking (see infra).

WATE's essential purpose in opposition must realistically be assessed in the light of its existing, long-entrenched position in the Knoxville television market. Were the Commission to act here -- as it should -- to authorize a new and additional television service to that community, that would plainly be inconsistent with WATE's private,

commercial interests through the introduction of a competitive service to the public.¹ As fully demonstrated in the petition herein, however, the public interest strongly favors the establishment of such new service. That is particularly so in view of the exceptional history and evolution of the Knoxville television structure as also recounted in the petition. Simply stated, there is compelling warrant for the institution of the long-proposed, new television transmission service to Knoxville and the Commission is obligated to provide therefor where, as here, that can readily be achieved without any offsetting public or private detriment.

The petition herein also demonstrated that the Commission may still readily achieve the foregoing public interest goal even were it disinclined to change the WATE DTV allocation as proposed by the petitioning parties. Thus, it was alternatively proposed that the Commission should allot Channel 18 to Knoxville with related provision for the amendment of SCCC's pending application to specify operation on that channel and the coincident grant of SCCC's application pursuant to the pending settlement agreement among the three initial applicants for Channel 26, who are also the petitioners here. Neither WATE nor any other party has interposed an objection to that course. Although for a variety of reasons that is a less desirable vehicle for providing a new television service to Knoxville, SCCC hereby recommits thereto and urges the Commission promptly to

¹At Note 16 to its Opposition, WATE asserts that no effort was made to seek its consent to the use of DTV Channel 18 in lieu of Channel 26. The record should reflect that a senior member of SCCC's technical department did timely raise that prospect with his counterpart in the WATE structure who advised that it would be considered and a decision conveyed to SCCC. However, no further communication was received by SCCC from WATE until the filing of the WATE Opposition.

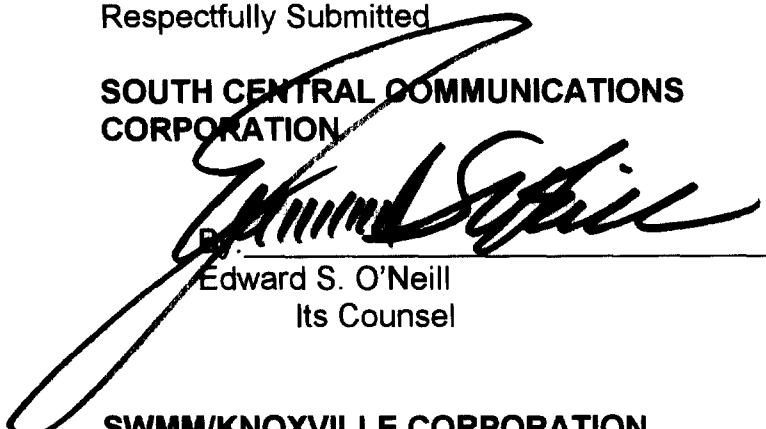
facilitate that result should it not modify WATE's DTV assignment as here proposed by the petitioners.

The petition herein manifestly presents serious public interest issues which ought promptly be resolved by the Commission on the merits. Indeed, the Commission is here afforded what will likely be its last practical opportunity to provide for both the initiation of a new television transmission service to the Knoxville community and the wholly compatible development of DTV service in that community.

Respectfully Submitted

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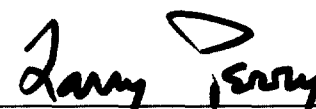
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Review and Clarification of *Exhibit 1: Technical Discussion in Support of Request for Modification of DTV Table of Allotments with Regard to Channel 26, Knoxville TN.*

In reviewing the previous request for modification of the DTV table and the opposition, it is apparent that the following issues are relevant to the consideration of the proposal:

In the proposed modification, the channel 18 alternative was shown at the same power as the originally indicated channel 26. In this analysis it was shown that channel 18 would cause additional interference to channel 18, Chatsworth GA and to channel 17, DTV in Knoxville. It is indicated in the analysis that the Chatsworth station is a high interference station, losing 30% if its existing coverage to NTSC interference, and the DTV table increases this interference to 32.38%. The 1 Mw power level on channel 18 showed this high interference level to further increase by 8.48%. The adjacent DTV channel 17, at 92.1 Kw was shown to have increased interference from that proposed by the use of channel 26, by the fact that the 1 Mw channel 18 overpowered the signal ratios for adjacent channel operation. In order to reduce the interference to Chatsworth 18 and Knoxville DTV 17, the power was shown reduced to a level of 100 Kw. This is not an unreasonable power level for operation on DTV, in fact, all of the UHF Knoxville stations are assigned power levels below 100 Kw; it is only the VHF stations that exceed 100 Kw. Further, approximately 43 percent of all UHF stations in the table of allotments are assigned a power level of less than 100 Kw.

In comparing the interference and coverage losses, it is important to not consider the losses of the proposed alternative in a vacuum, applying only the population and area percentages from the channel 18 results alone. The channel 26 allotment is not perfect as a full replication of the WATE signal, and the losses of channel 26 should be considered, as well. Therefore, to evaluate the differences between the two channels, the population and areas should be ratioed between the allotted channel 26 and proposed channel 18, rather than simply ratioed between channel 18 and the WATE baseline. Therefore, the following ratios provide:

Population percentage of the proposed channel 18 to channel 26:	90.04 %
Population difference between 1 Mw channel 26 and 100 Kw channel 18:	9.96 %
Area percentage of the proposed channel 18 to channel 26:	83.99 %
Area difference between 1 Mw channel 26 and 100 Kw channel 18:	16.01 %

Although this indicates a reduction in coverage from the 1,193,187 persons in the channel 26 allotment, it provides a very viable channel for the Knoxville market. In fact, the channel 18 proposal at 1,074,451 persons provides a better coverage than that proposed for adjacent channel 17 at 929,762 persons.

Therefore, with the ratios as indicated, the channel 18 alternative is presented as a viable, competitive alternative channel in the Knoxville market to the previously allotted channel 26, with some reduction in coverage. It is shown in comparison with the highest powered UHF DTV allotment in Knoxville and is indicated to be as good as, and slightly better than the channel 17 allotment. In this proposal for an alternative DTV channel to the previous channel 26 NTSC and DTV, it is shown that the use of channel 18 in the Knoxville market could permit the addition of coverage of 1,074,451 persons by the utilization of this channel. Such utilization could be either as a substitute for the DTV allotment and use of the channel 26 as an NTSC station (to be converted on-channel), or the independent use of channel 18 as a DTV station alone.



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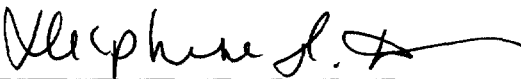
CERTIFICATE OF SERVICE

I, Delphine I. Davis, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C. do hereby certify that true copies of the foregoing "Reply to Opposition to Petition for Reconsideration" were sent this 10th day of June, 1998 by hand delivery and first-class United States mail, postage prepaid, to the following:

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***Denotes By Hand**